

IDAHO ADMINISTRATIVE BULLETIN

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March 7, 2007 -- Volume 07-3

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Preface

The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a monthly compilation of all administrative rule-making documents in Idaho. The Bulletin publishes the official rulemaking notices and administrative rule text of state agency rulemakings and other official documents as necessary.

State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of rulemaking activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Rulemaking Notice published in the Bulletin. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rule-making activities.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is cited by year and issue number. For example, Bulletin 06-1 refers to the first Bulletin issued in calendar year 2006; Bulletin 07-1 refers to the first Bulletin issued in calendar year 2007. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 07-1 refers to January 2007; Volume No. 07-2 refers to February 2007; and so forth. Example: The Bulletin published in January of 2007 is cited as Volume 07-1. The December 2006 Bulletin is cited as Volume 06-12.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

*The Idaho Administrative Code is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are only published in the Bulletin and **not** printed in the Administrative Code.*

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Rulemaking Index of Idaho Administrative Rules**, printed in each Bulletin.*

TYPES OF RULEMAKINGS PUBLISHED IN THE ADMINISTRATIVE BULLETIN

The state of Idaho administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises five distinct activities: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings involve all five. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies often engage in negotiated rulemaking at the beginning of the process to facilitate consensus building in controversial or complex rulemakings. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of administrative rule.

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested parties and the agency seek consensus on the content of a rule. Agencies are encouraged, and in some cases required, to engage in this rulemaking activity whenever it is feasible to do so. Publication of a "Notice of Intent to Promulgate" a rule in the Administrative Bulletin by the agency is optional. This process should result in the formulation of a proposed and/or temporary rule.

PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a "Notice of Proposed Rulemaking" in the Bulletin. This notice must include:

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;*
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;*
- c) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;*
- f) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and*
- g) the deadline for public (written) comments on the proposed rule.*

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.

TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) protection of the public health, safety, or welfare; or*
- b) compliance with deadlines in amendments to governing law or federal programs; or*
- c) conferring a benefit;*

If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule. However, a temporary rule that imposes a fee or charge may be adopted only if the Governor finds that the fee or charge is necessary to avoid an immediate danger which justifies the imposition of the fee or charge.

A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.

State law requires that the text of both a proposed rule and a temporary rule be published in the Administrative Bulletin. In cases where the text of the temporary rule is the same as the proposed rule, the rulemaking can be done concurrently as a proposed/temporary rule. Combining the rulemaking allows for a single publication of the text.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rulemaking that is being vacated, the agency, in most instances, should rescind the temporary rule.

PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the "Notice of Pending Rulemaking". This includes:

- a) a statement giving the reasons for adopting the rule;*
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;*
- c) the date the pending rule will become final and effective;*
- d) an identification of any portion of the rule imposing or increasing a fee or charge.*

Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the Section(s) that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the "Notice of Pending Rulemaking" is published.

FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is in effect and enforceable.

No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that an agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution may be adopted to reject the rulemaking or any part thereof. A "Notice of Final Rule" must be published in the Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule reviewed by the legislature and not rejected, amended or modified becomes final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule that is final and effective may be applied retroactively, as provided in the rule.

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls, Twin Falls, Lewiston and East Bonner County Library.

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone (208) 332-1820.

*The **Idaho Administrative Bulletin** is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.*

*The **Idaho Administrative Code**, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes a table of contents, reference guides, and a subject index.*

***Individual Rule Chapters** and **Individual RuleMaking Dockets**, are specific portions of the Bulletin and Administrative Code produced on demand.*

***Internet Access** - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: <http://adm.idaho.gov/adminrules/>*

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

*Rulemaking documents produced by state agencies and published in the **Idaho Administrative Bulletin** are organized by a numbering system. Each state agency has a two-digit identification code number known as the "**IDAPA**" number. (The "**IDAPA**" Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit "**TITLE**" number is assigned. There are "**CHAPTER**" numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:*

IDAPA 38.05.01.200.02.c.ii.

*"**IDAPA**" refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.*

*"**38.**" refers to the Idaho Department of Administration*

*"**05.**" refers to Title 05, which is the Department of Administrations's Division of Purchasing*

*"**01.**" refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing"*

*"**200.**" refers to Major Section 200, "Content of the Invitation to Bid"*

*"**02.**" refers to Subsection 200.02.*

*"**c.**" refers to Subsection 200.02.c.*

*"**ii.**" refers to Subsection 200.02.c.ii.*

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER." The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-0701). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket number:

"DOCKET NO. 38-0501-0701"

"38-" denotes the agency's IDAPA number; in this case the Department of Administration.

"0501-" refers to the TITLE AND CHAPTER numbers of the agency rule being promulgated; in this case the Division of Purchasing (TITLE 05), Rules of the Division of Purchasing (Chapter 01).

"0701" denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rule-making action published in calendar year 2007. A subsequent rulemaking on this same rule chapter in calendar year 2007 would be designated as "0702". The docket number in this scenario would be 38-0501-0702.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section "200" appears before Section "345" and so on). Whenever the sequence of the numbering is broken the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)

INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection of a rule that is part of the same rule, a typical internal citation may appear as follows:

"...as found in Section 201 of this rule." OR *"...in accordance with Subsection 201.06.c. of this rule."*

The citation may also include the IDAPA, Title, or Chapter number, as follows"

"...in accordance with IDAPA 38.05.01.201..."

"38" denotes the IDAPA number of the agency.

"05" denotes the TITLE number of the rule.

"01" denotes the Chapter number of the rule.

"201" denotes the main Section number of the rule to which the citation refers.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, "Rules Governing Capitol Mall Parking."

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2007

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
07-1	January 2007	*November 15, 2006	January 3, 2007	January 24, 2007
07-2	February 2007	January 5, 2007	February 7, 2007	February 28, 2007
07-3	March 2007	February 2, 2007	March 7, 2007	March 28, 2007
07-4	April 2007	March 2, 2007	April 4, 2007	April 26, 2007
07-5	May 2007	April 6, 2007	May 2, 2007	May 24, 2007
07-6	June 2007	May 4, 2007	June 6, 2007	June 28, 2007
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07-8	August 2007	June 29, 2007	August 1, 2007	August 23, 2007
07-9	September 2007	August 3, 2007	September 5, 2007	September 27, 2007
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07-11	November 2007	October 5, 2007	November 7, 2007	November 22, 2007
07-12	December 2007	November 2, 2007	December 5, 2007	December 27, 2006

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2008

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
08-1	January 2008	*November 14, 2007	January 2, 2008	January 23, 2008
08-2	February 2008	January 4, 2008	February 6, 2008	February 27, 2008
08-3	March 2008	February 8, 2008	March 5, 2008	March 26, 2008
08-4	April 2008	March 7, 2008	April 2, 2008	April 23, 2008
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08-8	August 2008	July 3, 2008	August 6, 2008	August 27, 2008
08-9	September 2008	August 1, 2008	September 3, 2008	September 24, 2008
08-10	October 2008	**August 20, 2008	October 1, 2008	October 22, 2008
08-11	November 2008	October 3, 2008	November 5, 2008	November 26, 2008
08-12	December 2008	October 31, 2008	December 3, 2008	December 24, 2006

****Last day to submit proposed rulemaking before moratorium begins and last day to submit pending rules to be reviewed by the legislature.***

*****Last day to submit proposed rules in order to complete rulemaking for review by legislature.***

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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2007-02

**ESTABLISHING THE IDAHO 25 X '25 RENEWABLE ENERGY COUNCIL
REPEALING AND REPLACING EXECUTIVE ORDER 2006-45**

WHEREAS, agriculture and forestry are an important part of Idaho's economy and heritage; and

WHEREAS, it is the policy of the State of Idaho to utilize the natural resources of our State to increase our energy supply in an economically efficient and prudent manner; and

WHEREAS, the presence of an affordable, reliable and plentiful energy supply is critical for our state and national economy; and

WHEREAS, the development of renewable energy sources, including but not limited to bio-diesel, biomass, ethanol, methane digesters, wind power and solar, would be beneficial to farmers and rural communities by establishing additional markets for agricultural commodities, creating added-value for crop and livestock products and creating new job opportunities for Idahoans; and

WHEREAS, Idaho's farms, ranches and forests can help Idaho and the nation to lessen dependence on foreign oil; and

WHEREAS, to this end, it is the goal of the State of Idaho that 25% of Idaho's energy needs be provided through renewable sources by the year 2025 from our farm, ranch, timber and other working lands, while continuing to produce abundant, safe and affordable agricultural products;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the State of Idaho do hereby order the following:

- 1. The establishment of Idaho 25 x '25 Renewable Energy Council (Council) as a cooperative effort between local, tribal, State and federal governments, as well as the for profit and not-for-profit private sectors.*
- 2. The purpose of the Council is to develop coordinated approaches that support the 25 x '25 initiative for Idaho's agricultural and forestry sectors to produce 25% of the State's energy requirements from renewable sources by the year 2025.*
- 3. The Council's responsibilities shall be:*
 - A. To provide policy direction and planning aimed at increasing the State of Idaho's infrastructure for production of renewable energy from agricultural and forestry sources.*
 - B. To improve cooperation, collaboration and information sharing among public and private sector entities in the area of renewable energy.*
 - C. To participate in and support the 25 x '25 Work Group.*
 - D. To further explore and define the overarching contribution agricultural and forestry sectors can make as renewable energy producers.*
 - E. To seek out new and innovative means to increase production of renewable energy in Idaho.*
- 4. Membership shall include a representative from the Office of the Governor and the directors of the following*

State entities or their designees:

- A. *Department of Agriculture*
 - B. *Department of Environmental Quality*
 - C. *Department of Lands*
 - D. *Department of Water Resources*
 - E. *Department of Commerce and Labor*
 - F. *Idaho Transportation Department*
5. *Representatives and members of federal government, local government organizations, tribal governments, Idaho universities and private and not-for-profit organizations with an interest in the energy future of Idaho pertaining to renewable energy will be encouraged to participate.*
 6. *Council members shall serve at the pleasure of the Governor.*
 7. *Additional members may be added by the Governor at any time.*
 8. *The Council shall meet at least twice annually. The chairman of the Council shall be the director of the Idaho Department of Agriculture or her representative.*
 9. *The Council shall submit a report of its activities to the Governor and the Legislature annually.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 9th day of February in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

IDAPA 17 - INDUSTRIAL COMMISSION

17.02.08 - MISCELLANEOUS PROVISIONS

DOCKET NO. 17-0208-0701

NOTICE OF RULEMAKING - TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is March 15, 2007.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section(s) 72-508, 72-720, 72-721, 72-722, and 72-723, Idaho Code, and Section 72-803 of the Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule: Adopts conversion factors to be used for physician reimbursement for medical services provided to injured workers under the workers' compensation law.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: The 2007 Legislature rejected that section of the Commission's pending rule containing statutorily required conversion factors to be used in computing payments to physicians for medical services provided in workers' compensation cases.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Thomas E. Limbaugh, Commissioner, 208-334-6000.

DATED this 20th day of February, 2007.

Thomas E. Limbaugh, Commissioner
317 Main Street - PO Box 83720
Boise, ID 83720-0041
Phone: (208) 334-6000 / Fax: (208) 334-2321

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0208-0701

031. ACCEPTABLE CHARGES FOR MEDICAL SERVICES UNDER THE IDAHO WORKERS' COMPENSATION LAW.

Pursuant to Section 72-508 and Section 72-803, Idaho Code, the Industrial Commission (hereinafter "the Commission") hereby adopts the following rule for determining acceptable charges for medical services provided under the Idaho Workers' Compensation Law: ~~(4-1-06)T~~(3-15-07)T

01. Definitions. Words and terms used in this rule are defined in the subsections which follow. (6-1-92)

a. "Acceptable charge" means the lower of the charge for medical services calculated in accordance with this rule or as billed by the provider, or the charge agreed to pursuant to written contract. (3-15-07)T

b. "Ambulatory Surgery Center (ASC)" means a facility providing surgical services on an outpatient basis only. (3-15-07)T

c. “Hospital” is any acute care facility providing medical or hospital services and which bills using a medicare universal hospital billing form. (3-15-07)T

i. Large hospital is any hospital with more than one hundred (100) acute care beds. (3-15-07)T

ii. Small Hospital is any hospital with one hundred (100) acute care beds or less. (3-15-07)T

d. “Provider” means any person, firm, corporation, partnership, association, agency, institution or other legal entity providing any kind of medical service related to the treatment of an industrially injured patient which are compensable under Idaho’s Workers’ Compensation Law. ~~(4-1-06)T~~(3-15-07)T

e. “Payor” means the legal entity responsible for paying medical benefits under Idaho’s Workers’ Compensation Law. (6-1-92)

f. “Medical Service” means medical, surgical, dental or other attendance or treatment, nurse and hospital service, medicine, apparatus, appliance, prostheses, and related service, facility, equipment and supply. ~~(4-1-06)T~~(3-15-07)T

g. “Reasonable,” means a charge does not exceed the Provider’s “usual” charge and does not exceed the “customary” charge, as defined below. ~~(4-1-06)T~~(3-15-07)T

h. “Usual” means the most frequent charge made by an individual Provider for a given medical service to non-industrially injured patients. ~~(4-1-06)T~~(3-15-07)T

i. “Customary” means a charge which shall have an upper limit no higher than the 90th percentile, as determined by the Commission, of usual charges made by Idaho Providers for a given medical service. ~~(4-1-06)T~~(3-15-07)T

02. Acceptable Charge. Payors shall pay providers the acceptable charge for medical services calculated in accordance with this rule or as billed by the provider, whichever is less. ~~(4-1-06)T~~(3-15-07)T

a. Adoption of Standard. The Commission hereby adopts the Resource-Based Relative Value Scale (RBRVS), published by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services, as amended, as the standard to be used for determining the acceptable charge for medical services provided under the Idaho Workers’ Compensation Law; by providers other than hospitals and ASCs. The standard for determining the acceptable charge for hospitals and ASCs shall be: ~~(4-1-06)T~~(3-15-07)T

i. For large hospitals: Eighty-five Percent (85%) of the appropriate inpatient charge. (3-15-07)T

ii. For small hospitals: Ninety percent (90%) of the appropriate inpatient charge. (3-15-07)T

iii. For ambulatory surgery centers (ASCs) and hospital outpatient charges: Eighty percent (80%) of the appropriate charge. (3-15-07)T

iv. Surgically implanted hardware shall be reimbursed at the rate of actual cost plus fifty percent (50%). (3-15-07)T

v. Paragraph 031.02.e., shall not apply to hospitals or ASCs. The Commission shall determine the appropriate charge for hospital and ASC services that are disputed based on all relevant evidence in accordance with the procedures set out in Subsection 032.10. (3-15-07)T

b. Conversion Factors. The following conversion factors shall be applied to the Relative Value Unit (RVU) found in the latest RBRVS, as amended, that was published before December 31 of the previous calendar year for a medical service identified by a code assigned to that service in the latest edition of the Physicians’ Current Procedural Terminology (CPT), published by the American Medical Association, as amended:

CPT CODE:	DESCRIPTION:	CONVERSION-FACTOR:
00000–09999	Anesthesia	\$ 58.19
10000–69999	Surgery:	
10000–19999	Integumentary System	\$ 67.00
20000–21800	Musculoskeletal System	\$ 88.00
22100–22999	Spine	\$ 135.00
23000–23999	Shoulder	\$ 96.00
24000–24999	Upper arm and Elbow	\$ 105.00
25000–26989	Forearm and Hand	\$ 88.00
27000–27299	Pelvis and Hip	\$ 135.00
27300–27899	Leg	\$ 105.00
28000–28999	Foot and Toes	\$ 88.00
29000–29750	Casts and Strapping	\$ 60.00
29800–29999	Endoscopy and Arthroscopy	\$ 130.00
30000–37799	Respiratory and Cardiovascular	\$ 88.00
40000–49999	Digestive System	\$ 93.00
50000–59999	Urinary System	\$ 88.00
60000–60999	Endocrine System	\$ 88.00
61000–61999	Skull, Meninges and Brain	\$ 125.00
62000–62258	Repair, Neuroendoscopy and Shunts	\$ 135.00
62263–62368	Spine and Spinal Cord	\$ 88.00
63000–63999	Spine and Spinal Cord	\$ 155.00
64400–64530	Nerves and Nervous System	\$ 88.00
64550–64999	Nerves and Nervous System	\$ 125.00
65000–69999	Eye and Ear	\$ 88.00
70000–79999	Radiology	\$ 85.00
80000–89999	Pathology and Laboratory	No RVUs
90465–90749	Immunization	\$ 35.00
90780–90784	Infusions and Injections	\$ 59.00
90788–90799	Injections	\$ 35.00
90801–92998	Psychiatry and Medicine	\$ 59.00
93000–93999	Cardiography and Studies	\$ 70.00
94000–94750	Pulmonary	\$ 70.00
94760–94762	Pulse Oximetry	\$ 40.00

CPT CODE:	DESCRIPTION:	CONVERSION-FACTOR:
94770 – 96999	Allergies; Testing	\$ 70.00
96000 – 96999	Assessments and Special Procedures	\$ 59.00
97000 – 97799	Physical Medicine and Rehabilitation	\$ 45.00
97802 – 98999	Acupuncture, Osteopathy, Chiropractic	\$ 43.00
99000 – 99499	Miscellaneous Services	\$ 65.00

CPT CODE:	DESCRIPTION:	CONVERSION FACTOR:
00000 - 09999	Anesthesia	\$ 58.19
10000 - 69999	Surgery:	
10000 - 12999	Integumentary System	\$ 67.00
13000 - 19999	Integumentary System	\$ 105.00
20000 - 20615	Musculoskeletal System	\$ 88.00
20650 - 21935	Musculoskeletal System	\$ 110.00
22100 - 22999	Spine	\$ 142.00
23000 - 24999	Shoulder, Upper Arm & Elbow	\$ 142.00
25000 - 27299	Forearm, Hand, Pelvis & Hip	\$ 142.00
27300 - 27899	Leg	\$ 142.00
28000 - 28999	Foot and Toes	\$ 142.00
29000 - 29750	Casts and Strapping	\$ 60.00
29800 - 29899	Endoscopy and Arthroscopy	\$ 142.00
30000 - 39999	Respiratory and Cardiovascular	\$ 88.00
40000 - 49999	Digestive System	\$ 88.00
50000 - 59999	Urinary System	\$ 80.00
60000 - 60999	Endocrine System	\$ 88.00
61000 - 61999	Skull, Meninges and Brain	\$ 142.00
62000 - 62258	Repair, Neuroendoscopy and Shunts	\$ 142.00
62263 - 62368	Spine and Spinal Cord	\$ 88.00
63000 - 63999	Spine and Spinal Cord	\$ 155.00
64400 - 64530	Nerves and Nervous System	\$ 88.00
64550 - 64999	Nerves and Nervous System	\$ 125.00
65000 - 69990	Eye and Ear	\$ 88.00
70000 - 79999	Radiology	\$ 85.00

CPT CODE:	DESCRIPTION:	CONVERSION FACTOR:
80000 - 89999	Pathology and Laboratory	To be Determined
90465 - 90749	Immunization	\$ 35.00
90760 - 90779	Infusions and Injections	\$ 59.00
90801 - 92998	Psychiatry and Medicine	\$ 60.00
93000 - 93999	Cardiography and Studies	\$ 70.00
94000 - 94750	Pulmonary	\$ 60.00
94760 - 94762	Pulse Oximetry	\$ 40.00
94770 - 95999	Allergies: Testing	\$ 70.00
96000 - 96999	Assessments and Special Procedures	\$ 60.00
97000 - 97799	Physical Medicine and Rehabilitation	\$ 44.00
97800 - 98999	Acupuncture, Osteopathy, Chiropractic	\$ 43.00
99000 - 99499	Miscellaneous Services	\$ 63.00

~~(4-1-06)F(3-15-07)T~~

c. The Conversion Factor for the Anesthesiology CPT Codes shall be multiplied by the Anesthesia Base Units assigned to that CPT Code by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services as of December 31 of the previous calendar year, plus the allowable time units reported for the procedure. Time units are computed by dividing reported time by fifteen (15) minutes. Time units will not be used for CPT Codes 01995 and 01996.

~~(4-1-06)F(3-15-07)T~~

d. Adjustment of Conversion Factors. The conversion factors set out in this rule shall be adjusted prior to the beginning of each state fiscal year (FY), starting with FY 2008~~9~~. The Commission shall determine the adjustment, which shall equal the percent change in the all item consumer price index for the west urban area, as published by the U.S. Department of Labor, for the twelve-month (12) month period ending with December of the prior year.

~~(4-1-06)F(3-15-07)T~~

e. Services Without CPT Code, RVU or Conversion Factor. The acceptable charge for medical services that do not have a CPT code, a currently assigned RVU or a conversion factor will be the reasonable charge for that service, based upon the usual and customary charge and other relevant ~~factor's~~ evidence, as determined by the Commission. Where a service with a CPT Code, RVU and conversion factor is, nonetheless, claimed to be exceptional or unusual, the Commission may, notwithstanding the conversion factor for that service set out in Subsection 031.02.b., determine the ~~reasonable~~ acceptable charge for that service, based on all relevant ~~factor's~~ evidence in accordance with the procedures set out in Subsection 032.1~~0~~.

~~(4-1-06)F(3-15-07)T~~

f. Coding. The Commission will generally follow the coding guidelines published by the Centers for Medicare and Medicaid Services and by the American Medical Association, including the use of modifiers. ~~The Commission will not use place-of-service codes.~~ The procedure with the largest RVU will be the primary procedure and will be listed first on the claim form. Modifiers will be reimbursed as follows:

~~(4-1-06)F(3-15-07)T~~

- i. Modifier 50: Additional fifty percent (50%) for bilateral procedure. ~~(4-1-06)F(3-15-07)T~~
- ii. Modifier 51: Fifty percent (50%) of secondary procedure. This modifier will be applied to each medical or surgical procedure rendered during the same session as the primary procedure. ~~(4-1-06)F(3-15-07)T~~
- iii. Modifier 80: Twenty-five percent (25%) of coded procedure. ~~(4-1-06)F(3-15-07)T~~
- iv. Modifier 81: Fifteen percent (15%) of coded procedure. This modifier applies to MD and non-MD assistants. ~~(4-1-06)F(3-15-07)T~~

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0702

NOTICE OF FINAL DECISION ON THE MID-SNAKE SUCCOR CREEK TEMPERATURE ADDENDUM TMDL

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Mid-Snake Succor Creek Temperature Addendum Total Maximum Daily Load (TMDL).

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Mid-Snake Succor Creek Temperature Addendum TMDL. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Mid-Snake Succor Creek Temperature Addendum TMDL (Hydrologic Unit Code 17050103) addresses four (4) streams and their ten (10) associated assessment units within the Snake River subbasin on Idaho's 2002 Section 303(d) list. DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at http://www.deq.idaho.gov/water/data_reports/surface_water/tmdls/snake_river_succor_creek/snake_river_succor_creek.cfm or by contacting Marti Bridges, TMDL Program Manager, 208-373-0382, marti.bridges@deq.idaho.gov.

Dated this 30th day of January, 2007.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0703

NOTICE OF FINAL DECISION ON THE FALL CREEK AND RUEGER SPRINGS TMDLS OF THE LAKE WALCOTT SUBBASIN (HUC 17040209)

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Fall Creek and Rueger Springs Aquaculture Total Maximum Daily Loads (TMDLs).

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Fall Creek and Rueger Springs TMDLs of Lake Walcott Subbasin. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Fall Creek and Rueger Springs TMDLs (Hydrologic Unit Code 17040209) addresses three (3) assessment units (AUs) needing waste load allocations to meet the downstream load reductions required in the Upper Snake Rock TMDL. The three (3) AUs contain six (6) TMDLs. DEQ has submitted these aquaculture related TMDLs to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDLs can be obtained at http://www.deq.idaho.gov/water/data_reports/surface_water/tmdls/lake_walcott/lake_walcott.cfm or by contacting Marti Bridges, TMDL Program Manager, 208-373-0382, Marti.Bridges@deq.idaho.gov.

Dated this 1st day of February, 2007.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
Paula.Wilson@deq.idaho.gov

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

Because of the moratorium on proposed rulemaking during the legislative session, there are no proposed rules being promulgated or published in this month's Bulletin.

Please refer to the Idaho Administrative Bulletin, **March 7, 2007, Volume 07-3** for notices and text of all rulemakings, public hearing schedules, Governor's executives orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 332-1820 or write the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720. Visa and Mastercard accepted.

The Idaho Administrative Bulletin and Administrative Code are available on the Internet at the following address:
<http://adm.idaho.gov/adminrules/>

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

**FOR THE ABOVE LINK TO WORK YOU HAVE
TO BE CONNECTED TO THE INTERNET**

**This index tracks the history of all agency rulemakings from 1993 to the present.
It includes all rulemaking activities on each chapter of rules
and includes negotiated, temporary, proposed, pending
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